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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 992,655	11 13 2001	Mark A. Roesch	427600600049	9768

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Jones, Day, Reavis and Pogue  
North Point  
901 Lakeside Avenue  
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EXAMINER

ESTRADA, ANGEL R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 01/23/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,655

Applicant(s)

ROESCH ET AL.

Examiner

Angel R. Estrada

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on Amendment B filed on December 23, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 2-24 and 26-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2-13, 17, 18, 20-24, 26-29 and 32-41 is/are allowed.
- 6) ☐ Claim(s) 14-16, 19, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14-16, 19 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nattel et al (US 5,354,953) in view of Hansen (US 4,140,293).

Regarding claim 14, Nattel et al disclose a gangable electrical unit (see figure 2) comprising a bracket (14) for housing an electrical component (see figure 1); said bracket (14) including a wall structure that defines a front opening (see figure 2); but Nattel et al lacks an adhering element positioned on the wall structure of the ganged electrical unit, said adhering element positioned to engage the wall of the electrical outlet box. Hansen discloses a bracket (C) including a wall structure that defines a front

opening and an adhering element (9) positioned on the wall structure of the bracket (10), said adhering element (9) positioned to engage the wall of an electrical outlet box (A). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Nattel et al's bracket with an adhering element coupled to the wall structure of the bracket as taught by Hansen to make a firm permanent connection between the bracket and the outlet box.

Regarding claim 15, the modified Nattel et al discloses the gangable unit (see figure 2) wherein the wall structure of the bracket (14) including a top wall (18), a bottom wall (see figure 2; 18), an attachment side wall (16), and the adhering element (9 as taught by Hansen) being attached to the attachment side wall (16)

Regarding claim 16, Nattel et al disclose the gangable electrical unit (see figure 2), wherein the wall structure of the bracket (14) includes three walls that partially surround the front opening (see figure 2).

Regarding claim 19, Hansen discloses the adhering element (9) is a putty (column 2 line 3-4).

Regarding claim 30, the modified Nattel et al discloses the ganged electrical outlet box assembly (see figure 1) comprising: the gangable electrical unit (see figure 2; 14); an electrical outlet box (12) having a four-sided wall structure defining a front opening (see figure 2), said electrical outlet box wall structure having an outer periphery and an interior, said interior for receiving an electrical component (see figure 1 and 2), where the gangable electrical unit (see figure 2; 14) can be attached to the electrical outlet box (12) by the adhering element (9 as taught by Hansen).

Regarding claim 31, Hansen discloses the adhering element (9) is a putty (column 2 line 3-4).

***Allowable Subject Matter***

2. Claims 2-13, 17, 18, 20-24, 26-29 and 32-41 are allowed.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 2-13, 17, 18, 20-24, 26-29 and 32-41 are:

Regarding claims 2, 3, 23 and 26 is the inclusion therein in combination as currently claimed of the limitation of a stop extending outwardly from the wall structure of the bracket, said stop including a weakened portion positioned between the stop and the wall structure, wherein the stop is configured to be broken away from the wall structure of the bracket with the application of a force sufficient to break the weakened portion.

Regarding claims 4 and 24 is the inclusion therein in combination as currently claimed of the limitation of a the wall structure includes a top wall, a bottom wall, and an attachment side wall, with corners formed between the top and bottom walls and the attachment side wall, wherein the corners are radiused in order to provide a gap for accepting a fastener head when the wall bracket is coupled to an electrical outlet box.

Regarding claims 5-8, 12, 13 and 27-29 is the inclusion therein in combination as currently claimed of the limitation of a bracket including at least one clip for mounting the wall structure of the bracket on a wall of an electrical outlet box; with the clip

extending outwardly from the front opening of the wall structure of the bracket and being configured to engage a wall of an electrical outlet box.

Regarding claims 9-11 is the inclusion therein in combination as currently claimed of the limitation of said clip is L-shaped, with a first leg of the L-shaped clip being attached to the wall structure of the bracket and extending perpendicularly away from said wall structure, and a second leg of the L shaped clip, extending perpendicularly away from the first leg of the clip, said second leg configured to engage an inner surface of a wall of an electrical outlet box.

Regarding claim 17 is the inclusion therein in combination as currently claimed of the limitation of one of the walls of the bracket being a partial side wall, said partial side wall having a front edge that is spaced from the front opening to define an opening in the partial side wall, wherein the adhering element is positioned on the partial side wall.

Regarding claim 18 is the inclusion therein in combination as currently claimed of the limitation of the wall structure of the bracket including a partial side wall, only a portion of which extends to the front opening, and further comprising a pair of clips that extend outwardly from the front opening of the bracket from the partial side wall, said clips being configured to engage a wall structure of an electrical outlet box.

Regarding claim 20 is the inclusion therein in combination as currently claimed of the limitation of the a bracket including a wall structure that defines a front opening and at least one clip coupled to the wall structure and extending outwardly from the front opening of the wall structure, said clips being configured to grasp a wall of an electrical outlet box.

Regarding claim 21 is the inclusion therein in combination as currently claimed of the limitation of bracket including at least one clip coupled to the wall structure and extending outwardly from the front opening of the wall structure, said clips being configured to grasp a wall of an electrical outlet box; the clip including a self centering portion for centering the bracket on an electrical outlet box.

Regarding claim 22 is the inclusion therein in combination as currently claimed of the limitation of at least one clip coupled to the wall structure and extending outwardly therefrom, said clip being configured to grasp a wall of an electrical outlet box, said clip including a self-centering portion for centering the bracket on an electrical outlet box; and self-centering portion being a protrusion that extends from the clip, said protrusion being configured to abut a wall of an electrical outlet box.

Regarding claims 32-40 is the inclusion therein in combination as currently claimed of the limitation an apparatus comprising: a bracket structure having a front edge defined by three complete sides with a front edge being interrupted by a lack of a fourth complete side, and said three-sided front edge together define a four-sided opening for access to a low voltage electrical line at said routing portion.

Regarding claim 41 is the inclusion therein in combination as currently claimed of the limitation of a stop coupled to the wall structure of the bracket along a weakened portion that is positioned between the stop and the wall structure, wherein the stop is configured to be broken away from the wall structure of the bracket with the application of a force sufficient to break the weakened portion.

These limitations were found in claims 2-13, 17, 18, 20-24, 26-29 and 32-41, and are neither disclosed nor taught by the prior art of record, alone or in combination.

### ***Response to Arguments***

3. Applicants' arguments filed December 23, 2002 are persuasive.

a) In response to the argument, the applicants argue that Hyde discloses clips (206) extending outwardly from the sidewall of the bracket and not the front opening of the wall structure of the bracket as claimed in claim 5. The Examiner agreed with the applicants

b) In response to the argument, the applicants argue that Reiker teaches a double side tape that can be attached to an electrical box to temporarily hold the electrical box on a stud before screwing, nailing or otherwise permanently affixing the box to the studs discloses; but does not teach that the adhesive can be used to adhere an electrical box to an electrical bracket as claimed in claim 14. The Examiner agreed with the applicants, however these arguments are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.



5. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for after final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

January 16, 2003

*Dean A. Reichard* 1/16/03

DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
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